

REMARKS

This response is in reply to the office action rejection mailed June 14, 2007. Claims 21-29 and 31-40 are pending in the application with each of the claims being rejected.

The Applicant's attorney appreciates the Examiner's time during a telephone interview on August 21, 2007. The interview discussed the invention and the prior art of record. The Examiner stated during this interview that the office action incorrectly cited a secondary reference (stated as Gerber instead of Sampson). Therefore, the finality of this office action is being removed.

U.S. Patent No. 4,934,937 (hereinafter Judd) discloses a device to train soldiers in the use of firearms under simulated combat conditions. The device includes a light source that projects a single light beam outward towards an area in which a soldier is positioned. The light source is mounted on a structure that pivots such that the light beam extends within a limited sector in which the soldier is located. As shown in Figure 2, the pivoting structure rotates through an arc of less than 360°. The rotational portion of the device allows the light source to oscillate, but not fully rotate. Further, Judd teaches a target in the form of a mannequin in close proximity to the light source. The light beam would be obstructed if the light source were to rotate past the mannequin. This would create a shielded area that extends outward from the target and allow a soldier to stand upright in the area without triggering an alarm.

U.S. Patent No. 6,579,097 (hereinafter Sampson) discloses a system for training military personnel. As illustrated in Figures 2 and 3, one aspect of the invention includes a weapon simulator secured to the ceiling of a room. This simulator includes five infrared LEDs that are spaced in a circumferential array to provide a substantially omni directional pattern of emissions. The infrared emissions from each of the LEDs are confined to limited sectors that correspond to five kill zones.

To differentiate the present invention from Judd and Sampson, the claims have been amended. Independent claims 21, 29, and 35 have been amended to now more accurately

describe that the invention is for training firefighters to remain below a heat critical vertical boundary. Neither Judd nor Sampson is directed to this type of training.

Claim 21 has further been amended to now include that the emitter emits a signal in a single direction and is rotatable through 360° thereby forming a substantially continuous signal at the vertical boundary. Judd does not disclose rotating the signal through 360° and forming an essentially continuous signal at the vertical boundary. Further, Sampson does not disclose any type of rotating signal. For at least these reasons, independent claim 21 and dependent claims 22-28 are patentable over these references.

Claim 29 has been amended to now include that the emitter emits a single signal. The emitter is adapted to turn about the vertical support member to establish the vertical boundary around a 360° axis. Neither Judd nor Sampson discloses a 360° rotation. For at least these reasons, independent claim 29 and dependent claims 31-34 are patentable over these references.

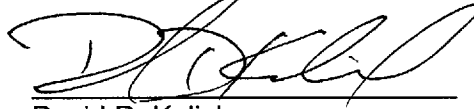
Claim 35 has been amended to now include the step of attaching the emitter that emits a signal in one direction to a vertical support member, and rotating the emitter through 360° about the vertical support member with the signal forming a substantially continuous signal at the vertical boundary. Neither Judd nor Sampson discloses rotating the emitter through 360° and forming a substantially continuous signal at the vertical boundary. For at least these reasons, independent claim 35 and dependent claims 36-40 are patentable over these references.

Claim 39 has been amended to now include that the wearable sensor emits an audible alarm signal responsive to its intrusion above the height limits.

In view of the above amendments and remarks, the Applicant submits that the application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'D. Kalish', written over a horizontal line.

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